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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/022,180	12/13/2001	Darryl Franklin Clark	KCC-16,260	1100
35844	7590	09/09/2004	EXAMINER	
PAULEY PETERSEN & ERICKSON 2800 WEST HIGGINS ROAD HOFFMAN ESTATES, IL 60195			YAO, SAMCHUAN CUA	
			ART UNIT	PAPER NUMBER

1733

DATE MAILED: 09/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Supplement
Advisory Action

Application No.

10/022,180

Applicant(s)

CLARK ET AL.

Examiner

Sam Chuan C. Yao

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 16 August 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see the attached remarks.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

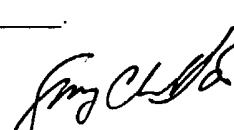
Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-20.

Claim(s) withdrawn from consideration: 21-23.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☒ Other: _____


Sam Chuan C. Yao
Primary Examiner
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Continuation of 2. NOTE: amending claim 1 to now specifically require a divergence zone to occur in a fiber distribution unit raises new issues which would require further search and consideration..

Continuation of 10. Other: Counsel request to withdraw the finality of the prior office action is denied. Contrary to Counsel's assertion, the amendment to claim 1 changes the scope of claim 1. For example, claim 1 was amended to narrowly require absorbent particles instead of broadly requiring an absorbent material. Moreover, Counsel would appear to have it both ways, on page 9 of Counsel's prior amendment, Counsel cited an assertion made by Examiner regarding a spinneret having a fiber distribution unit and a divergent zone and argues that, " the present invention has been appropriated to construct a tenuous logic between unsupported characterization of the art ... The conclusion of obviousness is bald assertion unsupported by the art ...". In other words, Counsel is requesting for examiner to provide a supporting art to an official notice made by Examiner. Because of the amendment along with the above argument, a new art rejection was made.

Remarks

1. A supplemental advisory is made, in view that, Examiner inadvertently forgot to response to Counsel's key arguments.
2. Counsel argues on page 8 that *"the Detailed Action has unreasonably interpreted a latent ambiguity from the claim language contrary to the teachings of the specification"*. Examiner strongly disagrees. As correctly noted by Counsel, *"the PTO is to apply verbiage of the proposed claims the broadest reasonable meaning taking into account whatever enlightenment by way of definitions or otherwise that may be afforded by written description contained in applicant's specification."* The broadest reasonable interpretation of the claimed language is clearly stated in the prior office action. That is, the previously presented claim 1 does not require a divergence zone to occur in a fiber distribution unit. Based on the claimed language, there is no way for the Examiner to reasonably know whether Applicant intended to narrowly limit a divergence zone to not only be disposed below an air-stream, but also be disposed in a fiber distribution unit or intended to broadly require an air-stream to be disposed above divergence zone.
3. As for Counsel's argument on page 9 last full paragraph regarding an unsupported conclusion of introducing SAP and pulp fibers into a fiber distribution unit via a heated air stream, Examiner strongly disagrees. Counsel's attention is directed to page 11 last full paragraph, page 14 last two full paragraph, and page 16 lines 1-6 of the WO '658 patent. In these cited passages, WO '658 clearly teaches introducing pulp fibers and SAP to melt-blown filaments while the filaments are still *"hot and*


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tacky" so that the pulp and SAP will *"fuse"* to the filaments thereby helping *"consolidate the structure"*. The incentive for one in the art to introduce the pulp and SAP into a fiber distribution unit via a heated air stream in a process of Pike et al would have simply been to obtain self-evidence advantages of obviating a need to use another stream medium to introduce SAP and pulp to an array of filaments and to ensure that the filaments are still *"hot and tacky"* (i.e. heated air) when pulp and SAP come into contact with the filaments. It is again worth noting that, the heated air in a process taught by Pike et al is introduced around an upper portion of a fiber distribution unit (figure 1).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sam Chuan C. Yao whose telephone number is (571) 272-1224. The examiner can normally be reached on Monday-Friday with second Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Blaine Copenheaver can be reached on (571) 272-1156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Sam Chuan C. Yao
Primary Examiner
Art Unit 1733

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09-02-04